

## Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10

L-03 NSAE-00 PA-01 SP-02 SS-15 NSCE-00 SSO-00

USIE-00 INRE-00 HA-05 NEAE-00 /053 W

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FM AMEMBASSY KATHMANDU

TO SECSTATE WASHDC IMMEDIATE 1114

INFO AMEMBASSY NEW DELHI IMMEDIATE

C O N F I D E N T I A L KATHMANDU 0899

E.O. 11652: GDS

TAGS: SHUM, PINT, NP

SUBJ: B.P. KOIRALA HEARINGS TO BEGIN FEBRUARY 20

REF: STATE 041258; NEW DELHI 2539; KATHMANDU 0880

1. PRESS HAS REPORTED THAT HEARINGS ON ALL THE CASES CONCERNING B.P. KOIRALA AND GANESH MAN SINGH WILL BE HELD BETWEEN FEBRUARY 20 AND FEBRUARY 27.

2. DCM FEBRUARY 17 LATE AFTERNOON MET WITH KUSUM SHRESTHA, ONE OF B.P. KOIRALA'S LAWYERS, WHO HAD JUST COME FROM MEETING WITH KOIRALA AT 3 P.M. (MEETING WAS IN PRESENCE OF POLICEMEN AND REPRESENTATIVE OF ZONAL COMMISSIONER.) SHRESTHA SAID HEARINGS WOULD BE IN CAMERA AND LAWYERS' PLEA TO JUDGE TO ALLOW FAMILY MEMBERS OF ACCUSED TO BE PRESENT HAD BEEN TURNED DOWN ON GROUNDS OF LACK OF SPACE IN COURT ROOM. DURING FEBRUARY 17 MEETING WITH KOIRALA, LAWYERS HAD SUGGESTED TO HIM THAT THEY SHOULD ARGUE THAT HIS HEALTH WAS NOT GOOD ENOUGH FOR HIM TO STAND UP TO APPEARING IN COURT ALMOST DAILY DURING FEBRUARY 20-27 PERIOD, BUT KOIRALA TOLD THEM HE WANTED HIS POLITICAL ACTIVITIES AND NOT HIS HEALTH TO BE THE MAIN CONSIDERATION DURING THE HEARINGS.

3. B.P. WILL BE REPRESENTED AT HEARINGS BY THREE LAWYERS: GANESH  
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RAJ SHARMA, KRISHNA PRASAD BHANDARI, AND SHRESTHA. ACCORDING TO SHRESTHA, THEY WILL MAKE FOLLOWING THREE POINTS ON FIRST DAY OF HEARINGS: (1) HEARINGS WILL NOT BE FAIR AND IMPARTIAL BECAUSE THE PROCEEDINGS ARE IN CAMERA; (2) THE VENUE OF THE COURT IS NOT CONGENIAL TO JUSTICE BEING DONE BECAUSE IT IS LOCATED IN THE SINGHA DURBAR ARMY BARRACKS AREA; AND (3) THE PROCEEDINGS ARE AGAINST THE TERMS OF THE KING'S TEMPORARY RELEASE OF KOIRALA LAST JUNE, I.E.,

THAT HE WAS RELEASED FOR MEDICAL TREATMENT, WHICH HAS NOT YET BEEN COMPLETED. (THIS IS ESSENTIALLY THE SAME POINT THAT WAS MADE IN THE RECENT UNSUCCESSFUL WRIT PETITION. SEE KATHMANDU 0426).

4. IN RESPONSE TO DCM'S QUERY AS TO LIKELY REACTION TO PRESENCE OF OUTSIDE LAWYER, NOTING POSSIBLE INTEREST OF KOIRALA'S FRIENDS ABROAD IN PROVIDING SUCH A SERVICE, SHRESTHA SAID THIS POSSIBILITY HAD BEEN MENTIONED TO HIM WHEN HE HAD ATTENDED RECENT AMNESTY INTERNATIONAL CONFERENCE IN STOCKHOLM. HE HAD THEREFORE RAISED THIS QUESTION WITH THE JUDGE, AND JUDGE HAD REPLIED THAT HE DID NOT KNOW WHETHER OUTSIDE LAWYER WOULD BE ALLOWED TO BE PRESENT IN COURT OR NOT. SHRESTHA SAID HE PERSONALLY WOULD VERY MUCH WELCOME PRESENCE OF OUTSIDE LAWYER.

5. SHRESTHA SAID TWO OF THE SEVEN CHARGES AGAINST KOIRALA WOULD BE HEARD ON FEBRUARY 20, ONE ON FEBRUARY 21, ONE ON FEBRUARY 22, ONE ON FEBRUARY 24, AND TWO ON FEBRUARY 27. HE SAID FIRST FOUR CHARGES THAT WOULD BE HEARD WERE LESS SERIOUS THAN THE LAST THREE (WHICH INCLUDE THE OKHLADUNGA INCIDENT) AND HE THOUGHT THAT B.P. MIGHT BE ACQUITTED ON THE FIRST FOUR. HE DID NOT KNOW WHEN THE JUDGEMENTS WOULD BE DELIVERED, BUT SAID A JUDGEMENT COULD BE DELIVERED ON EACH CHARGE AT THE CLOSE OF EACH DAY'S HEARINGS.

6. DCM ASKED SHRESTHA HOW B.P. LOOKED TODAY AND WHAT THE STATE OF HIS HEALTH APPEARED TO BE. SHRESTHA MADE THE SAME COMMENT HE HAD MADE FOLLOWING HIS JANUARY 30 MEETING WITH KOIRALA, I.E., THAT HE

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LOOKED LESS WELL THAN HE HAD IN NOVEMBER AND THAT HIS VOICE WAS WEAKER. HE SAID, IN ADDITION, THAT B.P. HAD "BLACKED OUT" FOR TWO MINUTES A FEW DAYS AGO, NOTING THAT HIS EARLIER "BLACKOUT" WHICH HAD LED TO HIS RELEASE FOR MEDICAL TREATMENT IN THE U.S. HAD LASTED FOR TEN MINUTES. (WE NOTE THAT INDIAN NEWSPAPER STATESMAN REPORTS FEBRUARY 16 THAT "THE DOCTORS WHO HAD EXAMINED MR. KOIRALA AFTER HE HAD FAINTED IN PRISON A FEW DAYS AGO SAID THAT THERE WAS NO CAUSE TO WORRY ABOUT THE HEALTH OF THE FORMER PRIME MINISTER." THERE HAS BEEN NO MENTION OF THIS IN ANY LOCAL PAPERS.) SHRESTHA ADDED THAT B.P. HAD ALSO "BEEN BLEEDING FROM THE NOSTRILS." COMMENT: AMBASSADOR PLANS MAKE AVAILABLE DISCREETLY TO PALACE TEXT OF DR. BRACHFELD'S LETTER REGARDING B.P.'S HEALTH (STATE 041258) AS SOON AS POSSIBLE AFTER ITS RECEIPT. END COMMENT.

7. WE WILL CONTINUE TO BE IN CONTACT WITH SHRESTHA DURING THE COURSE OF NEXT WEEK'S HEARINGS.  
HECK

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